



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



November 27, 2001

Mr. Arthur Cutter Jr.
Chairman
Board of Selectmen
Town of Salisbury
P.O. Box 214
Salisbury, New Hampshire 03268

CERTIFIED MAIL (7099 3400 0002 9772 4450)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2001-012

RE: Open Burning of Non-Conforming Materials

Dear Mr. Cutter:

On July 26, 2000 and September 28, 2001, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed inspections at the Salisbury Solid Waste Transfer Station and Recycling Center ("Facility") located on Warner Road in Salisbury, NH. The purpose of the inspections was to determine compliance with the NH Admin. Rules Env-A 100-3600, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and Authorization to Burn Brush and Untreated Wood, PIP No. 13648 ("PIP No. 13648") which authorizes the Town of Salisbury to operate a municipal burn site for untreated wood and brush.

At the time of the July 26, 2000 inspection, the DES inspector observed the following non-conforming materials in the burn pile: charred plywood, charred wafer board and a charred section of countertop. In addition, the DES inspector observed other non-conforming materials at the burn site, including: paneling, painted wood, furniture and cardboard.

After the July 26, 2000 inspection, Mr. Dave Degler of DES spoke with Ms. Margaret Warren, Selectmen's Office Administrative Assistant, regarding the inspection findings. On August 28, 2000, a letter was sent to the Town of Salisbury Board of Selectmen outlining the results of the July 26, 2000 inspection and DES's concern regarding the non-conforming material observed at the burn site. The letter also included a list of materials that can be burned as authorized by PIP No. 13648 and several ways to prevent non-conforming material from entering the burn area.

During the September 28, 2001 inspection, the DES inspector again observed non-conforming materials in the burn pile, including: charred plywood, charred painted wood, sheet rock, shingles, metal, and plastic.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning, and Condition 2 of PIP No. 13648. Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood. Condition 2 of PIP No. 13648 requires all burning to be conducted in accordance with the requirements of Env-A 1000 and states that only brush and untreated wood, as defined below, shall be accepted and treated at the burn site:

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

- 1 Burn only brush and untreated wood as described in PIP No. 13648, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of PIP No.13648, Env-A 101.54 and Env-A 101.286 from the burn area; and

Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with PIP No. 13648 and Env-A 1000.

Attached is a copy of PIP No. 13648, Env-A 101.54, Env-A 101.286 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Mr. Joseph Ritz, Enforcement Specialist
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Mr. Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: PIP No. 13648, Env-A 101.54, Env-A 101.286 and Env-A 1000

cc: K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region I
R. Reed, DES WMD